

So Ordered.

Signed this 5 day of June, 2025.



Robert E. Littlefield, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

PRIME CAPITAL VENTURES, LLC,

Case No. 24-11029
Chapter 11

Debtor.

ORDER DIRECTING APPOINTMENT OF TRUSTEE PURSUANT TO 11 U.S.C. § 1104

On February 15, 2024, Kris Daniel Roglieri (“Roglieri”), the sole member of Prime, filed individually for bankruptcy under Chapter 11, Subchapter V. *In re Roglieri*, Case No. 24-10157, ECF No. 1 (Bankr. N.D.N.Y. Feb. 15, 2024).¹ On May 15, 2024, the Court granted the United States Trustee’s (“UST”) motion to convert Roglieri’s bankruptcy and converted the case from Subchapter V to Chapter 7. *Roglieri*, ECF No. 159. Thereafter, Christian H. Dribusch, Esq. (“Dribusch”) was appointed the Chapter 7 trustee in Roglieri’s case. *Roglieri*, ECF No. 160. On September 16, 2024, Dribusch filed the present bankruptcy in his capacity as the personal representative of Prime’s sole member: Roglieri’s bankruptcy estate. *Prime*, ECF No. 1.

¹ Except in the first instance, citations to the docket of Roglieri’s personal bankruptcy proceeding (Case No. 24-10157) will be referenced as “*Roglieri*, ECF No. #.” Citations to the docket of this bankruptcy proceeding (Case No. 24-11029) will be referenced as “*Prime*, ECF No. #.”

On May 6, 2025, the Court issued an Order to Show Cause (the “OTSC”) as to why a trustee should not be appointed pursuant to 11 U.S.C. § 1104. *Prime*, ECF No. 233. On May 19, 2025, Prime submitted its response to the OTSC. *Prime*, ECF No. 271. The United States Trustee (the “UST”) also filed a response to the OTSC. *Prime*, ECF No. 272. However, the UST’s papers were submitted after the deadline set by the OTSC without explanation. *See Prime*, ECF Nos. 272, 276. As such, the Court did not accept the UST’s papers nor review them in contemplation of this matter. On May 21, 2025, the Court held a hearing on the OTSC and placed the matter on reserve.² *Prime*, ECF No. 276.

On May 23, 2025, Dribusch resigned as the Chapter 7 trustee in Roglieri’s bankruptcy.³ *Roglieri*, ECF No. 487. On May 27, 2025, Marianne T. O’Toole, Esq. (“O’Toole”) was appointed the successor trustee in Roglieri’s case.⁴ *Roglieri*, ECF No. 491. On June 3, 2025, O’Toole filed a statement indicating her consent to the appointment of a § 1104 trustee. *Prime*, ECF No. 280; *Roglieri*, ECF No. 503.

Because O’Toole filed her consent to the appointment of a § 1104 trustee, Prime’s opposition to the OTSC is deemed withdrawn. As previously noted, the pleadings submitted by the UST and Dribusch were not accepted. Therefore, there is no outstanding opposition to the OTSC or proposed relief.

Now, for the reasons stated herein, it is hereby

² After the matter was placed on reserve, Dribusch filed a letter with the Court concerning the OTSC and what was discussed at the hearing. *Prime*, ECF No. 277. Pursuant to the Court’s text order, the letter was neither reviewed nor considered by the Court in making the present determination. *Prime*, ECF No. 278.

³ Michael J. O’Connor, Esq. was named the interim successor trustee. *Roglieri*, ECF No. 487. However, he was unable to continue in that position and subsequently resigned as well. *Roglieri*, ECF No. 491.

⁴ Pursuant to Prime’s corporate resolution dated September 16, 2024, “the trustee to the Bankruptcy Estate of Kris Daniel Roglieri” is appointed “to act as the member manager of [Prime]” *Prime*, ECF No. 1 at 5. Upon her appointment as the successor trustee in Roglieri’s bankruptcy, O’Toole became the personal representative of Prime’s sole member and member manager of Prime.

ORDERED, that the United States Trustee is directed to appoint a trustee pursuant to 11 U.S.C. § 1104 and seek approval of the appointment in accordance with Federal Rule of Bankruptcy Procedure 2007.1; and it is further

ORDERED, that all matters currently pending before the Court in this case are to be held in abeyance until such time that a trustee is appointed and approved.

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